

HEATHER E. WILLIAMS, CA SBN #122664
Federal Defender
BENJAMIN A. GERSON, NY BAR #5505144
Assistant Federal Defender
Office of the Federal Defender
2300 Tulare Street, Suite 330
Fresno, CA 93721-2226
Telephone: (559) 487-5561
Fax: (559) 487-5950

Attorney for Defendant
TRACY ALAN DAY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRACY ALAN DAY,

Defendant.

Case No. 6:20-po-00078-JDP

**JOINT TO RESOLVE THROUGH
FORFEITURE OF COLLATERAL;
MOTION TO RESCIND CVB LATE FEES**

The parties, through their respective counsel, Sean Anderson, Legal Officer, Yosemite National Park, counsel for the government, and Benjamin A. Gerson, Assistant Federal Defender, counsel for the defendant, Tracy Alan Day, hereby stipulate and jointly move this Court to waive any outstanding late fees accrued to Mr. Day.

Mr. Day appeared in U.S. District Court, Yosemite Valley, on February 9, 2021. On that date the Honorable Helena Barch-Kuchta recalled all warrants and abstracts in Mr. Day's case. Mr. Day's initial appearance was continued to March 9, 2021 for the parties to reach a settlement. The parties, having reached a settlement, now move the court to resolve the citation through forfeiture of collateral in the amount of \$120.00 plus \$30.00 in fees, with 60 days to pay.

Because Mr. Day missed his original appearance date, the court assessed a \$100.00 fee for non-appearance. At the time of the citation, Mr. Day was under the impression he had been given a warning because the ranger was called away during the traffic stop to deal with an

1 emergency. The citation was later mailed to Mr. Day, who was again confused as to its import
2 believing he had been given a warning. Mr. Day is a long time resident of Mammoth Lakes,
3 California, and was employed in the hospitality industry. During the COVID-19 shut down he
4 was laid off, forced to live in his van, and is considering filing for bankruptcy. Mr. Day
5 apologizes for his delay in appearing, and recognizes the need to timely appear before the court
6 on all matters. Given Mr. Day's difficult circumstances, the parties move the court to rescind the
7 \$100.00 fee for non-appearance.

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9 Respectfully submitted,

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11 PHILLIP A. TALBERT
Acting United States Attorney

12 Dated: March 4, 2021

/s/ Sean Anderson
13 SEAN ANDERSON
Acting Legal Officer
14 National Park Service
Yosemite National Park

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16 HEATHER E. WILLIAMS
Federal Defender

17
18 Dated: March 4, 2021

/s/ Benjamin A. Gerson
19 BENJAMIN A. GERSON
Assistant Federal Defender
20 Attorney for Defendant
TRACY ALAN DAY

ORDER

Upon review and finding good cause, the Court GRANTS the parties Joint Motion to Resolve Citation (Doc. No. 7) as follows:

1. Citation 7577563 shall be resolved through forfeiture of collateral in the amount of \$120.00 plus \$30.00 in fees. Payment, if not already made, is due within sixty (60) days of this Order.
2. All late fees and the \$100.00 warrant fee assessed in case 6:20-po-00078-HBK are rescinded.

IT IS SO ORDERED.

Dated: March 5, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE